

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Craig L. Brewster,

Case No. 19-cv-75-NEB-KMM

Plaintiff(s),

v.

**ORDER FOR
SETTLEMENT CONFERENCE**

United States of America,

Defendant(s).

Magistrate Judge Kate Menendez will hold a settlement conference on **November 5, 2020, at 1:00 p.m. in Courtroom 8E**, Minneapolis Federal Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415. This settlement conference will last until 5:00 p.m., as the parties have agreed that a half-day mediation is appropriate. However, if necessary, the Court may require the parties to stay into the afternoon.

Who Must Attend

Counsel who will actually try the case and each party, armed with full settlement authority, shall be present in person. This means that each party must attend through a person who has the power to change that party's settlement posture during the course of the conference. If the party representative has a limit or "cap" on his or her authority, this requirement is not satisfied. If individuals are parties to this case, they must be present in person. If a corporation or other collective entity is a

party, a duly authorized officer or managing agent of that party shall be present in person. If an insurance company is involved on behalf of any party, a representative of the insurer with the power to pay the policy limits must also attend the settlement conference. If a general counsel or in-house counsel is designated to represent a non-government entity at the settlement conference, then such counsel shall also be accompanied by an entity representative whose primary duties do not include practicing law and who has full authority to make a final decision.

Meeting Ahead of the Conference

To encourage the parties to address settlement on their own, counsel must speak directly with one another either by telephone or in person on or before **October 22, 2020**, to engage in a full and frank discussion of settlement. Prior to or during this meeting, the parties must exchange at least one round of a demand from the plaintiff and a specific offer from the defendant or defendants.

Confidential Letters to the Court

If the case does not settle prior to the settlement conference, counsel for each party shall email the Court on or before **October 29, 2020**, a confidential letter setting forth:

- (1) the parties' respective settlement positions before the meeting;
- (2) the parties' respective positions following the meeting;
- (3) a concise analysis of any remaining significant legal issues, including those affecting liability, with citation to relevant authority;

(4) a reasoned, itemized computation of each element of the alleged damages, with a concise summary of the testimony of each witness who will testify in support of the damage computations;

(5) a candid analysis of the strengths and weaknesses of their client's case;

(6) justification for the party's last stated settlement position;

(7) the name and position of the person who will attend the settlement conference with full authority to settle the case; and

(8) any additional information that will assist the parties in reaching agreement.

These letters are for the Court's use only and should not be served on opposing counsel. Counsel should email the settlement letters to chambers at menendez_chambers@mnd.uscourts.gov.

Failure to Comply

Failure of any party or insurance company to comply with any part of this Order may result in the postponement of the settlement conference or imposition of an appropriate sanction on the party, company or attorney who failed to comply, or both.

Date: January 10, 2020

s/ Katherine Menendez
Katherine Menendez
United States Magistrate Judge